

CIVIL RIGHTS COMPLAINT
42 U.S.C. § 1983

ORIGINAL

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

13-CV-5074 (RRM)(LB)

Troy English,
Full name of plaintiff/prisoner ID#

"NOTICE OF MOTION: TO AMEND COMPLAINT"

Plaintiff,

JURY DEMAND

YES NO _____

-against-

Eugene Rios
P.o. Azcubiz, P.o. Estrella, E.
Sgt. Adam D. Sgt. Muller

Enter full names of defendants

[Make sure those listed above are identical to those listed in Part III.]

Defendants.

FILED
IN CLERK'S OFFICE
US DISTRICT COURT E.D.N.Y.
★ OCT 21 2013 ★
BROOKLYN OFFICE

I. Previous Lawsuits:

A. Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to your imprisonment? Yes () No ()

B. If your answer to A is yes, describe each lawsuit in the space below (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit:

Plaintiffs: N/A

Defendants: N/A

2. Court (if federal court, name the district; if state court, name the county)

N/A

3. Docket Number: N/A

4. Name of the Judge to whom case was assigned: _____

5. Disposition: (for example: Was the case dismissed? Was it appealed? Is it still pending?)

6. Approximate date of filing lawsuit: N/A

7. Approximate date of disposition: N/A

II. Place of Present Confinement: Anna M. Krass Center (C-95)

A. Is there a prisoner grievance procedure in this institution? Yes () No ()

B. Did you present the facts relating to your complaint in the prisoner grievance procedure? Yes () No ()

C. If your answer is YES,

1. What steps did you take? NONE Grievable

2. What was the result? N/A

D. If your answer is NO, explain why not this is a NONE grievable issue for prison

E. If there is no prison grievance procedure in the institution, did you complain to prison authorities? Yes () No ()

F. If your answer is YES,

1. What steps did you take? I tried to speak with the supervising officer and explain my situation

2. What was the result? I was told to remain silent.

III. Parties:

(In item A below, place your name in the first blank and place your present address in the second blank. Do the same for additional plaintiffs, if any.)

A. Name of plaintiff Troy English 1411306086

Address 1818 Hazen ST. East Elmhurst, N.Y. 11370

(In item B below, place the full name and address of each defendant)

B. List all defendants' names and the addresses at which each defendant may be served. Plaintiff must provide the address for each defendant named.

Defendant No. 1

Po. Azcazubi (17865)
78 Pct. 65 6th Avenue
Brooklyn, N.Y. 11215

Defendant No. 2

P.O. Estrella Edward
78 Pct. 65 6th Avenue
Brooklyn, N.Y. 11215

Defendant No. 3

Sgt. Adam Donna
78 Pct. 65 6th Avenue
Brooklyn, N.Y. 11215

Defendant No. 4

Sgt Muller
78 Pct 65 6th Avenue
Brooklyn, N.Y. 11215

Defendant No. 5

Eugene Rios
139 Flatbush Avenue
Brooklyn, N.Y. 11215

Please see
attachment
statement
store -

[Make sure that the defendants listed above are identical to those listed in the caption on page 1]. Manager

2013KND-
38195

IV. Statement of Claim:

(State briefly and concisely, the facts of your case. Include the date(s) of the event(s) alleged as well as the location where the events occurred. Include the names of each defendant and state how each person named was involved in the event you are claiming violated your rights. You need not give any legal arguments or cite to cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. You may use additional 8 1/2 by 11 sheets of paper as necessary.)

139 Flatbush Ave. May, 18-2013 at approximately
Time 21:00 hours Saturday, I was in Flatbush -
Mall Shopping, I was stopped by this Po. Azcozubi
(17865) came up to me asking Did you Just
Leave Victoria Secret (store) AND when I
Turn my head back to him to answer His
Question, I was continuously sprayed in the
Face with Maze and /or pepper spray into the
Claimant's eyes which then threw to the ground
And that's when I hit my head & back on the -
ground. Then other officers came running saying
What happen and that's when they pick me up
and carry me inside of the Victoria Secret. Then the
Ambulance Had come and taken to the Hospital.

IV.A If you are claiming injuries as a result of the events you are complaining about, describe your injuries and state what medical treatment you required. Was medical treatment received?

Claimant Troy English seeks to recover money damages
For False Arrest, False imprisonment, Excessive Force,
Harassment, Assault, Battery, Malicious Prosecution, Denial
of Right to a Fair Trial and, Personal Injuries; Violation of
Civil Right under section 1983 of the United States code
and more particularly under the 4th, 5th, 8th and 14th,
Amendments of the United States Constitution and
parallel provisions of the New York State constitution
and other related damages incurred, which exceed the

Jurisdictional limits of all lower courts herein together with claimant. Troy English sustained severe head and back pain personal injuries, the full extent of which is not presently known, including but limited to, upon information and belief, injuries to both eyes, head and back. Claim is for personal injuries, hospital, physician and other medical expenses, pain and suffering, loss of quality and/or enjoyment of life, and all other damages to which claimant is entitled to by case law and statute.

The undersigned claimant therefore presents this claim for adjustment and paid within the time provided by law from the date of presentation to you, the claimant intends to commence an action on this claim.

Dated: 1818 Hazen ST.

Also Please
August, 29-2013 See attachments

Fax:

May 19 2013 03:37am PO18/019

212: 71; In route to 179
MetWest June Blk: 10-12
2230: In route by 15pm
Print Data 1. Existing File
to LICH w/ Per. Trq. Engt's
2230: In P. Unit, Bus# 2629,
Unit 3203, 6/12/679421
DP 201 Rep. Engt's, 1st, Released
New Tech - Diagnostic - type control
Inmate to SIC
04/24/2013 08:51:58 AM
Date: Scratches & sand entire
paperwork stamp
CIV: 24001669000
Signed by Sgt Adams, DPA
S24001669000 signed w/ ACO

Complaint Started
02/22: Complaint # 2013-001844
Received

02/26: Arrest 10412445284-T

Received

02/26: Arrest warrant signed
by DPA Sgt Adams

02/26: Supporting Docs filed w/
S24001669000

Criminal Court of the City of New York
Part APAR County of Kings

THE PEOPLE OF THE STATE OF NEW YORK
v.
TROY ENGLISH

State of New York
County of Kings

Defendant

Police Officer Julie Lockett of the Kings County District Attorney's Office says that on or about May 18, 2013 at approximately 8:00 PM at 139 FLATBUSH AVENUE, County of Kings, State of New York, the defendant committed the offenses of:

PL 165.25 PETIT LARCENY(DOO)
PL 165.40 CRIMINAL POSSESSION OF STOLEN PROPERTY IN THE FIFTH DEGREE

in that the defendant did:

STEAL PROPERTY; KNOWINGLY POSSESS STOLEN PROPERTY WITH THE INTENT TO BENEFIT HIMSELF OR A PERSON OTHER THAN AN OWNER THEREOF OR TO IMPEDE THE RECOVERY BY AN OWNER THEREOF.

The source of deponent's information and the ground for deponent's belief are as follows:

The deponent is informed by the sworn statement of Eugene Rios, manager, Victoria Secret that, at the above time and place, the informant observed the defendant take 6 Pink sweat pants and leave the store in possession of the above-mentioned property without paying for it, place the above mentioned property inside defts bag.

The deponent is informed by the sworn statement of informant that informant is the custodian of the above-described property, and defendant did not have permission or authority to take, use, possess or attempt to take, use or possess that property.

False statement made in this document is punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law.

May 19 2013

CPL-216

Printed: 6/19/13 8:52

423643784 Arrested: 05/18/13 20:09



V. Relief:

State what relief you are seeking if you prevail on your complaint.

Punitive Damages in the amount of \$42,000
for Duress, pain and suffering. As well
as mental anguish. Compensation damages
in the amount of \$ 52,000, For loss of
wages, payment of hospital Due bills,
Medications, Duress, pain and suffering,
as well as physical injuries.

I declare under penalty of perjury that on 8-29-2013, I delivered this
(Date)
complaint to prison authorities to be mailed to the United States District Court for the Eastern
District of New York.

Signed this 29th day of August, 2013. I declare under penalty of
perjury that the foregoing is true and correct.

troy English
Signature of Plaintiff

A.M.K.C. C-95
Name of Prison Facility

1818 Hazeen ST.
East Elmhurst

N.Y. 11370
Address

1411306086
Prisoner ID#

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

Troy English

Plaintiff,

Affirmation of Service

-against-
Eugene Rios
P.O. Azcazubi (17865)
P.O. ESTRELLA EDWARD
Sgt. Adam Donha
Sgt. Muller
Defendant.

CV ()

X

I, Troy English, declare under penalty of perjury that I have served a copy of the attached 42 U.S.C. 1983 Civil Rights Complaint upon City of new york, Eugene Rios, P.O. Azcazubi, P.O. Estrella, E. Sgt. Adam Donha, Sgt. Muller. whose address is: 78 Pct. 65 6th Avenue Brooklyn, N.Y. 11215 and Where it happen are: 139 Flatbush Avenue Brooklyn, N.Y. 11215

Dated: 8-29-2013
, New York

troy English A.M.K.C.(C-95)
Signature

1818 HAZEN ST.
Address

East Elmhurst, N.Y. 11370
City, State, Zip Code